

Title 1 GENERAL PROVISIONS

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Chapter 1.01 CODE ADOPTION

Sections:

1.01.010 State rules, specifications, standards or requirements adopted.

1.01.010 State rules, specifications, standards or requirements adopted.

Whenever a state statute is adopted as a city ordinance, and the state statute permits or requires the adoption of rules, specifications, standards or requirements by a department or agency of the state of Utah, said rules, specifications, standards or requirements are included as part of these ordinances.
(Prior code § 2-8-4)

Chapter 1.04 GENERAL PROVISIONS

Sections:

1.04.010 Definitions.

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1.04.010 Definitions.

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In the construction of these ordinances and all ordinances amendatory thereof the following words and terms shall have the meaning herein ascribed to them, unless such definition or construction would be inconsistent with the manifest intent of the city council or contrary to the context of the ordinance:

"Agent" means a person acting on behalf of another.

"City" means the city of West Bountiful and/or the properties bounded within its corporate limits.

"City council" means the legislative or governing body of the city and the mayor.

"Fee schedule" means the schedule adopted periodically by resolution of the city council which sets forth the various fees charged by the city.

"Highway" includes all roads, alleys, lanes, streets, courts, places, trails and bridges laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in actions for the partition of real property.

"Knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such an act or omission.

"Malice" or **"maliciously"** imports a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

"Municipality," unless otherwise indicated, means the city of West Bountiful.

"Negligent" imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his or her own concern. The words "negligent," "neglect," "negligence" and "negligently" import the same want of consideration.

"Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Occupant," when applied to a building or land, includes any person who occupies the whole or any part of such building or land whether alone or with others.

"Offense" means any act forbidden by any provision of these ordinances, or the omission of any act required by the provisions of these ordinances.

"Operator" means the person in charge of any operation, business or profession.

"Owner," when applied to a building or land, includes any part-owner, joint owner, tenant in common, joint tenant or lessee of the whole or part of such building or land.

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"Person" includes any individual, partnership, firm, company, corporation, association, trust, estate, governmental entity; or any other form of association, organization or other legal entity and its legal representatives, agents or assigns.

"Property" includes both real and personal property.

"Retailer," unless otherwise specifically defined, relates to the sale of goods, merchandise, articles or things direct to the consumer.

"Street" includes all roads, alleys, lanes, highways, courts, places, squares, trails, bridges and sidewalks laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in action for the partition of real property.

"These ordinances" means the West Bountiful Municipal Code, 2000 and codifications and amendments which are successors thereto.

"Violate" or **"violation"** means to contravene or not observe.

"Wholesaler," unless otherwise specifically defined, means the sale in quantity of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

"Willful" or **"willfully,"** when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, to injure another, or to acquire an advantage. (Editorially amended during 2000 codification; prior code § 1-3-1)

1.04.020 Rules of construction.

In the construction of these ordinances and all ordinances amendatory thereof, the following rules shall apply except when such construction would be inconsistent with the manifest intent of the city council or contrary to the context of the ordinance:

- A. General Rule. All words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.
- B. Gender. When any subject matter, party or person is described or referred to by words importing the masculine, the feminine as well as the masculine, and associations and bodies as well as individuals, shall be deemed to be included.
- C. Number. The singular number shall include the plural and the plural the singular.
- D. Reasonable Time. In all cases when any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed

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to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

- E. Shall. The word "shall" is mandatory and not merely directory.
- F. Tense. The present tense shall include the future tense and the future tense shall include the present tense.
- G. Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last is a holiday or a Sunday, and then it is also excluded. Whenever any act of a secular nature other than a work of necessity or mercy is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, such acts may be performed upon the next succeeding business day with the same effect as if it had been performed upon the day appointed. (Prior code § 1-3-2)

Chapter 1.08 CORPORATE NAME AND SEAL

Sections:

1.08.010 Corporate name.

1.08.020 Corporate seal.

1.08.010 Corporate name.

The name of this municipality shall be "West Bountiful City." However, to designate the municipal character of the corporation, the name may be stated "West Bountiful, a Municipal Corporation." (Prior code § 1-1-1)

1.08.020 Corporate seal.

The corporate seal of West Bountiful is described as follows: The impression is one and three-fourths inches in diameter; is inscribed in the outer circle, "West Bountiful City, Davis County, Utah;" contains the words "Corporate Seal" in the center circle. (Prior code § 1-1-2)

Chapter 1.12 RIGHT OF ENTRY

Sections:

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1.12.010 Entry allowed when.

1.12.020 Consent to entry required.

1.12.030 Authority of chapter provisions.

1.12.010 Entry allowed when.

Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, the officer or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee shall effect entry in the manner provided in Section 1.12.020 of this chapter, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained. (Ord. 260-99 (part): prior code § 2-2-5(1))

1.12.020 Consent to entry required.

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the officer or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry. (Ord. 260-99 (part): prior code § 2-2-5(2))

1.12.030 Authority of chapter provisions.

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether heretofore or hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection. (Ord. 260-99 (part): prior code § 2-2-5(3))

Chapter 1.16 GENERAL PENALTY

Sections:

1.16.010 Designated.

1.16.010 Designated.

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- A. Where ordinances or state law specify an offense is a Class C misdemeanor, it is punishable with a fine up to seven hundred fifty dollars (\$750.00), imprisonment up to ninety (90) days, or both. Where an offense is an infraction, it shall be punishable by a fine up to seven hundred fifty dollars (\$750.00). (UCA 76-3-205., UCA 76-3-301 and UCA 76-3-204.)
- B. In any case where there is a violation of any part of these ordinances, or where an act is declared in these ordinances to be unlawful, and no specific penalty is provided herein or under state law, the person violating the same shall be deemed guilty of a Class B misdemeanor and for any one offense be punished by a fine in any sum not over one thousand dollars (\$1,000.00), or by imprisonment not to exceed six months, or by both. (UCA 76-3-205, UCA 76-3-301, UCA 76-204.)
- C. In all cases where the same offense is made punishable or is created by different clauses or sections of these ordinances, the prosecuting officer may elect under which to proceed. However, not more than one recovery shall be had against the same person for the same offense; except that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty from being enforced. (Ord. 264-00 (part); prior code § 1-4-1)